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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,717

09/19/2003

Jiangxiao Mo

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/666,717

Applicant(s)

MO ET AL.

Examiner

Jill E. Culler

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-11, 24, 25 and 28-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11, 24, 25 and 28-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9, 11, 24, 25 and 30-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,624,197 to Morikawa et al.

With respect to claims 1, 24 and 30, Morikawa et al. teaches a spring pick block, 54, comprising: an inclined surface, 62, having a lower end and configured to engage a leading edge of a media stack; see column 6, lines 60-65, an indentation, formed near the lower end of the inclined surface, having a substantially vertical surface; see column 7, lines 39-52, and a spring arm, 60, movably disposed with respect to the inclined surface, and movable between: a rearward position in which the spring arm is disposed rearward; and a forward position in which the spring arm is disposed forward. See column 7, lines 6-15.

With respect to claims 2-4 and 31-33, Morikawa et al. teaches the spring arm has an attached end secured near an upper end of the spring pick block, and a free end movably disposed near the indentation at the lower end of the spring pick block, wherein the spring arm is resilient, and bends between the rearward and forward positions. Morikawa et al. also teaches a gap formed in the inclined surface of the

spring pick block; wherein the spring arm is disposed in the gap and movable into and out of the indentation. See column 7, lines 1-15 and Fig. 7.

With respect to claims 5-7 and 34-36, Morikawa et al. teaches the inclined surface is disposed at a front wall, 70, that defines a feed end of a media feed area configured to receive the leading edge of the media stack, further comprising attachment means, 76, for attaching the inclined surface to the front wall including at least one attachment arm, extending rearward with respect to the inclined surface, with the front wall held between the inclined surface and the at least one attachment arm. See column 7, lines 39-67 and Fig. 6.

With respect to claims 9 and 37, Morikawa et al. teaches the indentation extends laterally across the inclined surface; wherein the spring arm has an attachment end integrally formed with the inclined surface, a free end pivotally disposed near the lower end of the inclined surface, and an upper surface that is substantially flush with the inclined surface in the forward position. See column 7, lines 1-15 and Fig. 7.

With respect to claims 11, 25 and 39, Morikawa et al. teaches the spring arm is disposed rearward in the rearward position in response to a greater load imposed by a higher media stack with the leading edge disposed in the indentation; and wherein the spring arm is disposed forward in the forward position in response to a lesser load imposed by a lower media stack with the leading edge disposed substantially out of the indentation. See column 7, lines 25-52.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa et al.

Morikawa et al. teaches all that is claimed as in the above rejection of claims 1-7, 9, 11, 24, 25 and 30-39. Although Morikawa et al. does not specifically teach that the inclined surface forms an angle between approximately 25 and 35 degrees with respect to vertical; and wherein the substantially vertical surface forms an angle between approximately 0 and 10 degrees with respect to vertical, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine the optimal positioning of the device through routine experimentation.

5. Claims 28-29 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa et al. in view of JP 2004269231 to Shikan et al.

With respect to claims 28 and 40-41, Morikawa et al. teaches all that is claimed, as in the above rejection of claims 1-7, 9, 11, 24, 25 and 30-39 except that the inclined surface is oriented at an obtuse angle with respect to the media stack.

Shikan et al. teaches a spring pick block, 4, with an inclined surface that is oriented at an obtuse angle with respect to the media stack, 5. See abstract and figures.

It would have been obvious to one having ordinary skill in the art at the time of the invention to orient the inclined surface of the spring pick block of Morikawa et al. at an obtuse angle, as shown by Shikan et al., in order to more effectively position the leading edge of the media stack.

With respect to claim 29, Morikawa et al. teaches all that is claimed, as in the above rejection of claims 1-7, 9, 11, 24, 25 and 30-39 except that the spring arm positioned behind the indentation in the inclined surface in the rearward position corresponds to a higher media stack and the spring arm positioned substantially flush with the inclined surface in the forward position corresponds to a lower media stack.

Shikan et al. teaches a spring pick block, 4, oriented such that the spring arm is positioned behind the indentation in the inclined surface in the rearward position, corresponding to a higher media stack and the spring arm is positioned substantially flush with the inclined surface in the forward position, corresponding to a lower media stack. See abstract and figures.

It would have been obvious to one having ordinary skill in the art at the time of the invention to orient the inclined surface of the spring pick block of Morikawa et al. at an obtuse angle, as shown by Shikan et al., in order to more effectively position the leading edge of the media stack.

### ***Response to Arguments***

6. Applicant's arguments filed January 24, 2005 have been fully considered but they are not persuasive.

With respect to applicant's argument that Morikawa fails to disclose an indentation formed near the lower end of an inclined surface that engages a leading edge of the media stack, the inclined surface of the spring pick block of Morikawa includes an indentation between surfaces 68 and 86, see Figure 7, near the lower end of the surface that engages a leading edge of the media stack.

With respect to applicant's argument that Morikawa fails to disclose a spring arm with an upper surface that is substantially flush with the inclined surface, the cited description and Fig. 6 show the spring arm with an upper surface substantially flush with the inclined surface, such that in the figure only the spring protrusion and not the spring arm is visible from the side.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2854

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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